

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, ex rel.
AHMED BASHIR,

Relator,

v.

THE BOEING COMPANY, et al.,

Defendants.

No. 2:19-cv-00600-RSM

DEFENDANTS' RESPONSE TO
RELATOR'S MOTION TO FILE
UNDER SEAL

Defendants The Boeing Company and Jerry Dunmire (collectively, the "Boeing Defendants") take no position on Relator Ahmed Bashir's Motion to File Under Seal (the "Motion"). The Boeing Defendants understand that the United States Attorney's Office advised Relator's counsel that an amended complaint should be filed under seal to the extent it contains new allegations of fraudulent conduct. However, Relator's counsel did not provide a copy of the proposed amended complaint to the Boeing Defendants. Without seeing the proposed amended complaint, the Boeing Defendants cannot comment on the nature of the allegations within it.

The Boeing Defendants emphasize that they reserve all rights with respect to the proposed amended complaint. In the Motion, Relator's counsel states that "the served Defendants have given their written consent" to the Relator's proposed amended complaint pursuant to Federal Rule

1 of Civil Procedure 15(a)(2). This statement is not accurate. The Boeing Defendants have neither
 2 seen nor consented to the proposed amended complaint.

3 As the basis for the Boeing Defendants' supposed written consent to the filing of the
 4 proposed amended complaint, Relator's counsel cites a stipulated motion for extension. That
 5 motion sought an extension of time for the Boeing Defendants to respond to Relator's original
 6 complaint, because "Counsel for Relator . . . indicated that they intend to file an amended
 7 complaint." *See* Dkt. 58. But Relator's counsel did not share the proposed amended complaint
 8 when the Boeing Defendants sought the extension and still have not done so. Without seeing the
 9 proposed amended complaint, the Boeing Defendants certainly were not in position to consent to
 10 its filing. Nor did counsel for Relator ever request such consent.

11 Accordingly, the Boeing Defendants reserve all procedural rights with respect to
 12 responding to the proposed amended complaint, including the rights to oppose amendment, to
 13 move to dismiss, or to otherwise respond once the proposed amended complaint is unsealed.

14
 15 Dated: November 23, 2021

By: s/ Michael E. Scoville

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 Company and Jerry Dunmire*

CERTIFICATE OF SERVICE

I certify under penalty of perjury that on November 23, 2021, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send a notification of the filing to the email addresses indicated on the Court's Electronic Mail Notice List.

Dated: November 23, 2021

s/ Michael E. Scoville
Michael E. Scoville